APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,312	12/21/2000	Sascha Baumeister	DE919990096	2057

7590 05/06/2004	**EXAMINER**
Blanche E. Schiller, Esq.	MAHMOUDI, HASSAN
HESLIN & ROTHENBERG, P.C.	

ART UNIT	PAPER NUMBER
2175	13

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DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 February 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 9-18* is/are rejected.

7)☒ Claim(s) *4-8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 09-February-2004, claims 1-3, 5-15, and 17 are

amended per applicant's request. Claims 1-18 are presently pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

Claim 9 recites the limitation "said one or more file resource manager" in line 2. There is

insufficient antecedent basis for these limitations in the claim since the base claim (claim 1,

as amended) recites "a file resource manager". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that said subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3 and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Sedlar</u> (U.S. Patent No. 6,549,916) in view <u>Horikiri et al</u> (U.S. Patent No. 5,706,501.)

As to claim 1, <u>Sedlar</u> teaches a method for managing (see Abstract) a hierarchical file system (see figure 6, and see column 6, lines 54-61) comprising:

providing a transaction manager (see Abstract; see column 13, line 53 through column 14, line 16; and see column 14, line 66 through column 15, line 21, where "transaction manager" is read on "database server" managing the "transaction database"), the transaction manager implementing transactional functionality (see column 14, lines 45-53, where "transactional functionality" is read on "insert, save, update, delete, commit and roll-back") to effectuate consistent transactional changes to one or more files of the hierarchical file system (see column 13, lines 53-61) and to data of one or more resources separate from the hierarchical file system, wherein the data of one or more resources is related to the one or more files of the hierarchical file system (see column 7, lines 7-13, column 21, lines 31-43, and see column 28, lines 40-51), and wherein the consistent transactional changes are initiated by the transaction manager (see column 13, lines 53-65, and see column 17, lines 13-24.)

<u>Sedlar</u> does not teach:

a file resource manager, the file resource manager managing the hierarchical file system;

and the transaction manager implementing transactional functionality via, in part, the file

resource manager.

Horikiri et al teaches a resource management method and apparatus (see Abstract), in

which he teaches a file resource manager (see Abstract), the file resource manager managing

the hierarchical file system (see column 4, lines 7-9, see column 28, lines 40-52, see column

21, lines 49-60, and see figures 13A-B); and the transaction manager implementing

transactional functionality via, in part, the file resource manager (see column 15, lines 13-25,

and see column 31, lines 20-32.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified Sedlar to include a file resource manager, the

file resource manager managing the hierarchical file system; and the transaction manager

implementing transactional functionality via, in part, the file resource manager.

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have modified Sedlar by the teachings of Horikiri et al, because

including a file resource manager, the file resource manager managing the hierarchical file

system; and the transaction manager implementing transactional functionality via, in part, the

file resource manager, would enable the system to utilize resource managers as a plurality of

processes operated by performing mutual communications over a single or a plurality of

computer systems, as taught by Horikiri et al (see column 8, lines 23-30.)

As to claim 2, <u>Sedlar</u> as modified teaches in which the transaction manager implements a commit and/or rollback facility (see <u>Sedlar</u>, column 14, lines 45-53.)

As to claim 3, <u>Sedlar</u> as modified teaches in which the file resource manager (see <u>Horikiri et al</u>, Abstract) is arranged for communicating with the file system (see <u>Horikiri et al</u>, column 10, lines 37-45) via a protocol directed to cover changes made to the file system (see <u>Sedlar</u>, column 16, lines 20-33, and see column 27, line 62 through column 28, line 7.)

As to claim 9, <u>Sedlar</u> as modified teaches in which the one or more file resource manager (see <u>Horikiri et al</u>, Abstract) is implemented utilizing a stacked file system (see <u>Horikiri et al</u>, figure 25, and see column 31, line 54 through column 32, line 6.)

As to claim 10, <u>Sedlar</u> as modified teaches in which the file resource manager (see <u>Horikiri et al</u>, Abstract) is implemented in the file system itself (see <u>Horikiri et al</u>, column 20, lines 61-66.)

As to claim 11, <u>Sedlar</u> as modified teaches in which the file resource manager (see <u>Horikiri et al</u>, Abstract) processes commands (see <u>Sedlar</u>, column 5, lines 3-16) issued by the transaction manager arranged for cooperating with a database management system (see <u>Sedlar</u>, column 5, lines 17-23.)

As to claim 12, <u>Sedlar</u> as modified teaches a method (see <u>Sedlar</u>, Abstract) for managing a file system (see <u>Sedlar</u>, figure 6, and see column 6, lines 54-61) comprising using the transaction manager (see <u>Sedlar</u>, see column 13, line 53 through column 14, line 16; and see column 14, line 66 through column 15, line 21, where "transaction manager" is read on "database server" managing the "transaction database") implemented for a cooperation with the file system (see <u>Sedlar</u>, column 21, lines 54-59.)

As to claim 13, <u>Sedlar</u> teaches a computer system (see Abstract) being able to access a hierarchical file system (see figure 6) which is manageable by a transaction manager according to a method of managing a hierarchical file system (see column 4, lines 51-66.)

For the remaining teachings of this claim, the applicant is kindly directed to remarks and discussions made in claim 1 above.

As to claim 14, <u>Sedlar</u> teaches a computer program for execution in a data processing system comprising computer program code portions (see Abstract, where "techniques for managing files in a computer system" is taught. Also see figure 18, and see column 43, lines 1-27. It is inherent that "computers" run on "computer programs".)

For the remaining teachings of this claim, the applicant is kindly directed to remarks and discussions made in claim 1 above.

As to claim 15, <u>Sedlar</u> teaches a computer program product stored on a computer usable medium comprising computer readable program means for causing a computer to perform

the method of managing a hierarchical file system (see figure 18, and see column 43, lines 1-27.)

For the remaining teachings of this claim, the applicant is kindly directed to remarks and discussions made in claim 1 above.

As to claim 16, Sedlar as modified teaches wherein the files have different file formats (see Sedlar, column 37, lines 31-67, and see column 40, lines 32-60.)

As to claim 17, Sedlar as modified teaches wherein the transaction manager (see Sedlar, see column 13, line 53 through column 14, line 16; and see column 14, line 66 through column 15, line 21, where "transaction manager" is read on "database server" managing the "transaction database") implements transactional functionality (see Sedlar, column 14, lines 45-53) to effectuate changes to files of the hierarchical file system (see Sedlar, column 13, lines 53-61) notwithstanding that the files have unknown file formats (see Sedlar, column 37, lines 42-56, and see column 42, lines 21-33.)

As to claim 18, Sedlar as modified teaches wherein the one or more resources managed by the one or more managers comprises data in a database (see Sedlar column 5, lines 4-17, and see column 14, lines 19-29, where "resource" is read on "database" and the "manager" is read on "the server", and see Horikiri et al, column 44, lines 28-46, and see column 46, line 59 through column 47, line 20.)

Allowable Subject Matter

6. Claim 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Sedlar (U.S. Patent No. 6,549,916), Coleman et al (U.S. Patent No. 6,032,154), Horikiri et al (U.S. Patent No. 5,706,501), and Khalidi et al (U.S. Patent No. 5,561,799), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

In which the protocol is XDSM or is derivable from XDSM, or comprises XDSM-equivalent functions, as claimed in claim 4.

Claim 5 is objected to as being dependent from the objected to dependent claim 4.

The prior art of record, Sedlar (U.S. Patent No. 6,549,916), Coleman et al (U.S. Patent No. 6,032,154), Horikiri et al (U.S. Patent No. 5,706,501), and Khalidi et al (U.S. Patent No. 5,561,799), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the file resource manager is arranged for communicating with the file system via a protocol directed to cover changes made to the file system, and wherein the protocol is

XDSM or is derivable from XDSM, or comprises XDSM-equivalent functions, as claimed in

claims 6, 7, and 8.

Response to Arguments

8. Applicant's arguments filed on 09-February-2004 with respect to the rejected claims in view

of the cited references have been fully considered but they are moot in view of new grounds

of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of

this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

The following patents are cited to further show the state of art with respect to methods

and systems of managing resources in the transaction management environments in general:

Patent/Pub. No.	Issued to	Cited for teaching
US006052695A	Abe et al.	Transaction System In Cooperation with Resource Manager.

11. Any inquiries concerning this communication or earlier communications from the examiner

should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The

examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici, can be reached at (703) 305-3830.

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April 20, 2004

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